

JULIAN L. ANDRE (251120)  
jandre@mwe.com  
**McDERMOTT WILL & EMERY LLP**  
2049 Century Park East  
Suite 3200  
Los Angeles, CA 90067-3206  
Telephone: +1 310 277 4110  
Facsimile: +1 310 277 4730

TODD HARRISON (appearing *pro hac*  
*vice*)  
tdharrison@mwe.com  
**McDERMOTT WILL & EMERY LLP**  
One Vanderbilt Ave  
New York, NY 10017  
Telephone: (212) 547-5767  
Facsimile: (212) 547-5444

Attorneys for Plaintiff Taylor Thomson

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

TAYLOR THOMSON,

Plaintiff,

v.

PERSISTENCE TECHNOLOGIES BVI PTE  
LTD., TUSHAR AGGARWAL, and ASHLEY  
RICHARDSON,

Defendants.

Case No. 2:23-cv-04669-MEMF-MAR

**PLAINTIFF TAYLOR THOMSON'S *EX*  
*PARTE* APPLICATION FOR  
TEMPORARY RESTRAINING ORDER  
AND ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION**

Date: TBD

Time: TBD

Courtroom: 8B

Judge: Hon. Maame Ewusi-Mensah Frimpong

**TO DEFENDANT ASHLEY RICHARDSON:**

PLEASE TAKE NOTICE that, at a time to be set by the Court, in courtroom 8B of Judge Maame Ewusi-Mensah Frimpong of the United States District Court for the Central District of California, Plaintiff Taylor Thomson shall and hereby does apply to this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure and Local Rule 65-1 for (1) a temporary restraining order prohibiting Defendant from directly contacting or approaching within 100 yards of Ms. Thomson or her daughter, Madeleine Thomson, and (2) an order to show cause as to why a preliminary injunction should not issue against Defendant Ashley Richardson.

This application is made on the grounds that (1) Ms. Thomson is likely to succeed on the merits in establishing that Defendant is engaging in harassment of Ms. Thomson by sending threatening text messages to Ms. Thomson and her daughter in violation of California Code of Civil Procedure Section 527.6, that (2) Ms. Thomson will suffer immediate and irreparable harm unless Defendant is enjoined from communicating directly with Ms. Thomson and Madeleine Thomson as well as approaching within 100 yards of Ms. Thomson or Madeleine Thomson, that (3) the balance of hardships tips in favor of Ms. Thomson, and that (4) the public interest supports the issuance of a temporary restraining order and order to show cause as to why a preliminary injunction should not be entered. This Court has the authority to issue the requested injunctive relief through its “inherent power to manage [its] own proceedings and to control the conduct of those who appear before [it].” *Beyond Blond Prods., LLC v. Heldman*, 2022 WL 2784404, at \*3 (C.D. Cal. June 17, 2022)

This application is based on the accompanying Memorandum of Points and Authorities; the supporting declaration of Todd Harrison and accompanying exhibits; and such other written or oral argument as may be presented at or before the time this motion is taken under submission by the Court.

1 Notice of this application has been given to Defendant on October 30, 2024, via  
2 email. Delivery of this application, and all supporting papers to Defendant will be  
3 made on October 30, 2024 through email and the electronic filing of this application  
4 through the Court's CM/ECF system.

5  
6 Dated: October 30, 2024

**McDERMOTT WILL & EMERY LLP**

7  
8 By: /s/ Todd Harrison

9 Julian L. André

10 Todd Harrison

11 Attorneys for Plaintiff Taylor Thomson  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

McDERMOTT WILL & EMERY LLP  
ATTORNEYS AT LAW  
LOS ANGELES

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65, Plaintiff Taylor Thomson (“Ms. Thomson”) moves this Court for an emergency temporary restraining order, and also requests that the Court issue an Order to Show Cause setting a schedule for briefing and hearing on a preliminary injunction against Defendant Ashley Richardson (“Defendant”).

On October 13, 2024, Ms. Thomson and her daughter, Madeleine Thomson, received text messages from Defendant which contained violent threats and gross insults to Ms. Thomson, in an apparent attempt to intimidate and unsettle Ms. Thomson in order to gain an advantage in this lawsuit. *See* Declaration of Todd Harrison (“Harrison Decl.”), Exhibits A & B. Defendant asks Ms. Thomson, “[h]ow do you think this ends?”; calls Ms. Thomson a “narcissistic soc[i]opathic fucking cunt”; and threatens to “speak to the press” because she “ha[s] the fucking receipts” and is “a major liability, for [Ms. Thomson], for the company.” *Id.* at Exhibit A.

Given the concerning nature of these messages, Ms. Thomson is concerned about Ms. Richardson’s future conduct and the ongoing threats related to the litigation in front of this Court. This Court has the inherent power to issue an injunction against Defendant to prevent her from harassing and attempting to unduly intimidate Ms. Thomson. *Beyond Blond Productions, LLC v. Heldman*, 2022 WL 2784404, at \*3 (C.D. Cal. Jun. 17, 2022); *see also De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990) (“[T]here is strong precedent establishing the inherent power of federal courts to regulate the activities of abusive litigants by imposing carefully tailored restrictions under the appropriate circumstances.”). District courts may issue injunctions against litigants for harassing and intimidating conduct directly related to the lawsuit. *See United Artists Corp. v. United Artist Studios LLC*, 2019 WL 6917918, at \*5 (C.D. Cal. Oct. 17, 2019). Injunctive relief is appropriate here given that Defendant’s threatening

1 text messages violate California Code of Civil Procedure Section 527.6, Ms. Thomson  
2 will be irreparably harmed without injunctive relief, and the balance of hardships and  
3 public interest both weigh in favor of injunctive relief.

4 Ms. Thomson, therefore, respectfully requests that the Court issue a temporary  
5 restraining order prohibiting Ms. Thomson from contacting her and her daughter  
6 directly and from approaching within 100 yards of them.

## 7 **II. FACTUAL BACKGROUND**

### 8 **A. The Underlying Lawsuit**

9 Ms. Thomson initiated this lawsuit on June 13, 2023. (*See* ECF 1.) Ms. Thomson  
10 alleges that Defendant engaged in a scheme to fraudulently induce Ms. Thomson to  
11 invest in a cryptocurrency offering, concealing a secret kickback and utilizing false  
12 promises of outsized rewards that would never be realized. (*See* ECF 25 at ¶ 1.) As a  
13 result, Ms. Thomson asserts claims for fraud, civil conspiracy to commit fraud, and  
14 violations of various federal and state laws against Defendant. (*Id.* at ¶¶ 242-270, 280-  
15 320.) In response to Ms. Thomson’s claims, Defendant filed counterclaims for alleged,  
16 but unspecified defamatory statements and intentional infliction of emotional distress,  
17 seeking no less than \$10 million in compensatory damages. (*See* ECF 58.)

### 18 **B. The October 13, 2024 Texts**

19 On or around October 13, 2024, Ms. Thomson received unsolicited text  
20 messages from Defendant, threatening Ms. Thomson in an apparent extortionate  
21 attempt to pressure Ms. Thomson into settling this litigation with Defendant on the  
22 Defendant’s terms. *See* Harrison Decl., Exhibit A. For example, in the texts, Defendant  
23 threatens to “speak to the press” because “[she] ha[s] the fucking receipts” and is “a  
24 major liability, for you, for the company.” *Id.* at 2, 4. Defendant concurrently demands  
25 that Ms. Thomson have her counsel respond to Defendant’s prior offers to settle this  
26 lawsuit for \$10 million, stating, “How do you think this ends? Do me a favor, tell  
27 your[] lawyers to respond to my requests.” *Id.* at 1. Throughout the lengthy text  
28

1 messages, Defendant also calls Ms. Thomson a “narcissistic soc[i]opathic fucking  
2 cunt” and a “rich motherfucking sociopathic bitch.” *Id.* at 2. Further, Defendant  
3 suggests that if this matter is not resolved, things may become violent, stating:  
4 “Pleas[e] settle this shit, or kill me or have me arrested, I’m fucking done.”; “I have  
5 zero fear. Fucking kill me, please.”; and “Just kill me. It’s better for you. It’s better for  
6 me.” *Id.* at 1, 3. Defendant also sent similar text messages to Ms. Thomson’s daughter,  
7 Madeleine Thomson, stating: “Please settle this shit, or kill me or have me arrested,  
8 I’m fucking done.”; “Get rid of me. Get rid of the photos and the endless stories . . .  
9 just fucking kill me please.” *See* Harrison Decl., Exhibit B.

10 As a result of these messages, Ms. Thomson is, rightfully, afraid for her and her  
11 daughter’s safety. Given Ms. Thomson’s prior friendship with Defendant, Ms.  
12 Thomson has hosted Defendant numerous times and Defendant knows where Ms.  
13 Thomson resides while in California and other locations she frequents. Defendant has  
14 previously mentioned that she had possession of a loaded gun and Ms. Thomson is  
15 afraid that Defendant may use any such weapon in furtherance of her violent threats.

16 **C. Ms. Thomson Applies for a State Court Restraining Order**

17 On October 18, 2024, Ms. Thomson filed a Request for Civil Harassment  
18 Restraining Order against Defendant in the California Superior Court for the County  
19 of Monterey. *See* Harrison Decl., Exhibit D. Ms. Thomson’s request, which was  
20 granted by the Court on October 23, 2024, is based on Defendant’s threatening text  
21 messages to Ms. Thomson and her daughter, as well as Defendant’s prior  
22 representations that she was in possession of a loaded gun. *See id.* at 8. The California  
23 state Court has now issued a Temporary Restraining Order, ordering Defendant to  
24 cease from harassing, contacting, or approaching within 100 yards of Ms. Thomson.  
25 Harrison Decl., Exhibit E. Ms. Thomson’s daughter has filed a similar application  
26 which is now pending.

**D. Ms. Thomson Now Seeks Protection from This Court**

Ms. Thomson also seeks a temporary restraining order and preliminary injunction from this Court prohibiting Defendant from approaching within 100 yards of Ms. Thomson and her daughter as well as prohibiting Defendant from contacting Ms. Thomson and her daughter directly and, instead, ordering Defendant to only contact Ms. Thomson through her undersigned counsel. Ms. Thomson seeks injunctive relief from this Court, in addition to her request in California State Court, to prevent any prejudice that she may face in the instant action due to Defendant's threats and apparent attempts to improperly influence the outcome of this case.

**III. LEGAL STANDARD**

Federal Rule of Civil Procedure 65 governs the issuance of temporary restraining orders and preliminary injunctions, and courts apply the same standards to both. *Stuhlbarg Intern. Sales Co., Inc. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). A plaintiff seeking injunctive relief must show that (1) she is likely to succeed on the merits; (2) she is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of the equities tips in her favor; and (4) an injunction is in the public interest. *Toyo Tire Holdings of Ams. Inc. v. Cont'l Tire N. Am., Inc.*, 609 F.3d 975, 982 (9th Cir. 2010) (citing *Winter v. Nat. Res. Def. Council*, 555 U.S. 7 (2008)).

A plaintiff must "make a showing on all four prongs." *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). The Ninth Circuit employs the "serious questions" version of the "sliding scale" approach when applying the four-element *Winter* test. *Id.* at 1134. "That is, 'serious questions going to the merits' and a balance of hardships that tips sharply towards the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest." *Id.* at 1135.



1 **IV. ARGUMENT**

2 Ms. Thomson seeks an order prohibiting Defendant from approaching within  
3 100 yards of her and her daughter, Madeliene, as well as from ceasing the threatening  
4 and harassing communications aimed at her and her daughter. Instead, Ms. Thomson  
5 requests that Defendant be ordered to communicate with Ms. Thomson solely through  
6 Ms. Thomson’s undersigned counsel.

7 Federal courts have the inherent power to manage their own proceedings and to  
8 control the conduct of those who appear before them. *See Chambers v. NASCO, Inc.*,  
9 501 U.S. 32, 33 (1991) (“Courts of justice are universally acknowledged to be vested,  
10 by their very creation, with power to impose silence, respect, and decorum, in their  
11 presence, and submission to their lawful mandates”); *see also De Long*, 912 F.2d at  
12 1147 (“[T]here is strong precedent establishing the inherent power of federal courts to  
13 regulate the activities of abusive litigants by imposing carefully tailored restrictions  
14 under the appropriate circumstances.”).

15 “[A] district court has the inherent power to issue an injunction against litigants  
16 who harass their opponents.” *Beyond Blond Productions*, 2022 WL 2784404, at \*3  
17 (quoting *Yates v. Belli Deli*, 2007 WL 2318923, at \*3 (N.D. Cal. Aug. 13, 2007)); *see*  
18 *also Lewis v. S. S. Baune*, 534 F.2d 1115, 1121 (5th Cir. 1976) (“Injunctive relief, where  
19 warranted, can be a useful tool to aid a court in controlling the conduct of litigants.”).  
20 Courts may issue an injunction over conduct that is directly related to the lawsuit. *See*  
21 *United Artists Corp.*, 2019 WL 6917918, at \*6 (Finding the defendant’s conduct was  
22 directly related to the suit because it was “intended to intimidate those who are  
23 handling this litigation against him.”); *Myart v. Taylor*, 2016 WL 5376227, at \*4 (W.D.  
24 Tex. Sept. 26, 2016) (concluding that the court has jurisdiction to prohibit a party’s  
25 threatening and harassing conduct towards the other parties because the conduct was  
26 “directly related to the instant suit.”); *Test Masters Educ. Servs., Inc. v. Singh*, 428 F.3d  
27 559, 580 (5th Cir. 2005) (upholding a portion of the district court’s injunction  
28



1 prohibiting Defendant “from threatening or harassing [plaintiff], its employees, its  
2 staff, [plaintiff’s] counsel, counsel’s employees, or counsel’s staff.”).

3 Here, the conduct at issue is directly related to this lawsuit. Defendant’s text  
4 messages to Ms. Thomson reference this lawsuit, Ms. Thomson’s counsel in this  
5 lawsuit, and settlement of this action. *See* Thomson Decl., Ex. A at 1 (“Do me a favor,  
6 tell your[] lawyers to respond to my requests.”; “Pleas[e] settle this shit, or kill me or  
7 have me arrested, I’m fucking done.”). The “requests” Defendant demands Ms.  
8 Thomson’s lawyers respond to are Defendant’s demands for \$10 million to settle this  
9 matter that were previously communicated to Ms. Thomson’s counsel and that  
10 Defendant is attempting to leverage threats of “hav[ing] the fucking receipts” which  
11 would be “a major liability, for you, for the company,” to induce such a settlement. *Id.*  
12 at 2, 4. References to “the company” are to Ms. Thomson’s family business.

13 **A. Ms. Thomson is Likely to Succeed on the Merits**

14 Here, the relevant showing for this prong is the likelihood of success on the  
15 merits of showing harassment, rather than the merits of the underlying lawsuit. *See*  
16 *United Artists*, 2019 WL 6917918, at \*8.

17 Section 527.6 of the California Code of Civil Procedure defines harassment as  
18 “unlawful violence, a credible threat of violence, or a knowing and willful course of  
19 conduct directed at a specific person that seriously alarms, annoys, or harasses the  
20 person, and that serves no legitimate purpose.” Cal. Code Civ. Proc. § 527.6(b)(3).  
21 “Course of conduct” is a “pattern of conduct composed of a series of acts over a period  
22 of time, however short, evidencing a continuity of purpose, including following or  
23 stalking an individual, making harassing telephone calls to an individual, or sending  
24 harassing correspondence to an individual by any means, including, but not limited to,  
25 the use of public or private mails, interoffice mail, facsimile, or email.” *Id.* §  
26 527.6(b)(1). Additionally, the harassment “must be that which would cause a  
27  
28

1 reasonable person to suffer substantial emotional distress, and must actually cause  
2 substantial emotional distress to the petitioner.” *Id.* § 527.6(b)(3).

3 Ms. Thomson has a strong likelihood of success in proving harassment against  
4 Defendant because Defendant has sent clearly alarming and threatening text messages  
5 to Ms. Thomson and her daughter, Madeleine Thomson. Defendant’s messages go well  
6 beyond conduct that is appropriate for party-to-party communications during the  
7 pendency of a lawsuit. Defendant invoked violent imagery, telling Ms. Thomson to  
8 kill her or else Defendant would “go to the press” because Defendant has “the fucking  
9 receipts” and is “a major liability, for you, for the company.” Harrison Decl., Exhibit  
10 A at 2, 4. Defendant repeatedly insulted Ms. Thomson, calling her a “cunt” and a “rich  
11 motherfucking sociopathic bitch.” *See id.* These messages have no legitimate purpose  
12 and only serve to harass, threaten, and cause substantial emotional distress to Ms.  
13 Thomson in an attempt to extort a settlement favorable for Defendant.

14 **B. Ms. Thomson Will Suffer Irreparable Harm in the Absence of a TRO**

15 A plaintiff seeking a preliminary injunction must establish that “[s]he is likely  
16 to suffer irreparable harm in the absence of preliminary relief.” *Winter*, 555 U.S. at 20.  
17 The harm identified may not be speculative and a plaintiff must also show more than  
18 the possibility of some remote further injury. *Winter*, 555 U.S. at 21-22 (rejecting  
19 “possibility” standard and holding that plaintiffs must “demonstrate that irreparable  
20 injury is likely in the absence of an injunction”).

21 Here, Defendant’s messages show a lack of control and a potential risk to Ms.  
22 Thomson’s and her own safety. These threatening and violent messages and  
23 Defendant’s statements that she has “nothing left to lose” and to not “underestimate  
24 what that looks like,” make clear that Defendant is dangerous, and is making direct  
25 threats to Ms. Thomson and her daughter. Harrison Decl. at 1. Defendant knows the  
26 location of Ms. Thomson’s property in Los Angeles as well as the locations Ms.  
27 Thomson visits because Ms. Thomson has hosted Defendant numerous times in the  
28

1 past. Furthermore, Ms. Thomson is informed and believes that Defendant is in  
2 possession or may have access to a firearm which increases the possibility of future  
3 violent action by Defendant. Specifically, during the COVID-19 pandemic, Defendant  
4 told Ms. Thomson’s daughter, Madeleine, that she and her partner Michele had bought  
5 a gun and that the gun was “out” and “loaded” during civil unrest in the Santa Monica  
6 area. *See* Harrison Decl., Exhibit C.

7 Accordingly, these threats put Ms. Thomson in serious fear for her and her  
8 daughter’s safety in relation to the conduct of this litigation. This is sufficient to show  
9 irreparable harm. *See Beyond Blond Productions*, 2022 WL 2784404, at \*6  
10 (“[T]hreatening and harassing emails” which may prevent parties from “participating  
11 fully in [a] lawsuit” are sufficient to establish a likelihood of suffering irreparable  
12 harm.).

13 **C. The Balance of Hardships Clearly Favors Ms. Thomson**

14 A court “must balance the competing claims of injury and must consider the  
15 effect on each party of the granting or withholding of the requested relief.” *Winter*, 555  
16 U.S. at 24. A narrowly tailored injunction prohibiting Defendant from engaging in  
17 harassing or threatening conduct directed at Ms. Thomson or her family would  
18 certainly not impose significant hardship on Defendant. Defendant may still  
19 effectively prosecute her case and communicate with Ms. Thomson through her  
20 counsel. We have previously requested that Defendant only communicate with Ms.  
21 Thomson through her undersigned counsel and Defendant is aware of this request and  
22 is able to comply because she has done so on numerous occasions in the past. Thus,  
23 the balance of equities is in Ms. Thomson’s favor. *See Beyond Blond Productions*, 2022  
24 WL 2784404, at \*6 (A “narrowly tailored injunction prohibiting [a party] from  
25 engaging in harassing or threatening conduct . . . would not impose significant hardship  
26 to [the party].”).

**D. Granting the Requested Injunctive Relief Would Advance the Public Interest**

Furthermore, an injunction would be in the public interest because it would help ensure the fair administration of justice by preventing Defendant from continuing to send threatening, harassing and disturbing messages to Ms. Thomson which only serve to cause Ms. Thomson to fear for her and her daughter's safety, and therefore afford the Defendant an undue and completely inappropriate advantage in the underlying litigation. Conversely, there is absolutely no public interest in allowing Defendant to continue to message Ms. Thomson given her recent actions. Thus, the public interest will be advanced if the Court issues the requested relief. *See id.* (An injunction barring harassing communications "would be in the public interest because it would help ensure the fair administration of justice.")

**V. CONCLUSION**

Defendant's threatening, harassing and coercive text messages to Ms. Thomson clearly qualifies as harassment under the California Code of Civil Procedure. Therefore, in order to prevent Ms. Thomson from suffering immediate and irreparable harm, Ms. Thomson respectfully requests entry of an order temporarily restraining Defendant (1) from directly contacting her or her daughter, Madeleine Thomson, and (2) from coming within 100 yards of Taylor Thomson and her daughter, Madeleine Thomson. Additionally, Ms. Thomson requests that the Court order Defendant to show cause as to why a preliminary injunction should not issue and set a hearing for Ms. Thomson's motion for preliminary injunction.

Dated: October 30, 2024

**McDERMOTT WILL & EMERY LLP**

By: /s/ Todd Harrison  
Julian L. Andre  
Todd Harrison

Attorneys for Plaintiff Taylor Thomson

**PROOF OF SERVICE**

I am a citizen of the United States and resident of the State of California. I am employed in Los Angeles, California. My business address is McDermott Will & Emery, LLP, 2049 Century Park East, Suite 3200, Los Angeles, CA 90067. I am over the age of eighteen years and not a party to this action.

On October 30, 2024, I served copies of the following document:

**PLAINTIFF TAYLOR THOMSON'S EX PARTE APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND ORDER TO SHOW CAUSE FOR PRELIMINARY  
INJUNCTION**

on the following parties via the CM/ECF Notice system:

Ashley Richardson  
25399 Markham Lane  
Salinas, CA 93908  
ashrichardson@mac.com

*Defendant in Pro Per*

AnnaMarie A. Van Hoesen  
AVanHoesen@jenner.com  
515 Flower Street, Suite 3300  
Los Angeles, CA 90071

*Counsel for Defendants Persistence  
Technologies (BVI) PTE. Ltd. and  
Tushar Aggarwal*

Kayvan B. Sadeghi  
ksadeghi@jenner.com  
Adina Hemley-Bronstein  
AHemley-Bronstein@jenner.com  
1155 Avenue of the Americas  
New York, NY 10036

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on October 30, 2024 in Los Angeles, California.

/s/ Diksha Vadan  
Diksha Vadan